

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RUTH MOSHOLDER,

Plaintiff,

v.

Case No. 09-11829

PATRICIA BARNHARDT, et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION IN LIMINE
AND SETTING BRIEFING SCHEDULE ON DEFENDANTS' MOTION IN LIMINE**

On October 5, 2010, the court conducted a telephone conference in this case. During the conference, Defendants' counsel agreed that Defendants would not need to admit into evidence the results of the arbitration if the parties are able to reach a mutually acceptable stipulation related to whether Plaintiff alleges any violation of the collective bargaining agreement. Counsel for both parties indicated that such a stipulation was likely, and would be included within the jointly-prepared jury instructions. Thus, the court will deny Plaintiff's motion in limine seeking to exclude the arbitration results without prejudice to the right of Plaintiff to reinstate the motion if a stipulation is not reached.

Further, the court discussed with the parties Defendants' recently-filed motion in limine. Counsel agreed that the outcome of the motion is potentially dispositive of the case. Plaintiff's counsel stated that he would file a response to the motion by Friday, October 8, 2010. Counsel also agreed to attempt to stipulate to a list of facts which are undisputed for the purposes of this motion only. If counsel are able to stipulate to such

facts, the court will endeavor to treat the motion in limine as one filed under Federal Rule of Civil Procedure 56. Accordingly,

IT IS ORDERED that Plaintiff's motion in limine [Dkt. # 19] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED Plaintiff shall file a response to Defendants' motion in limine [Dkt. # 20] by **October 8, 2010**. Counsel shall also attempt to file a joint statement of facts by **October 8, 2010**. Defendants shall file their optional reply by **October 13, 2010**. Unless otherwise ordered, the court will not conduct a hearing on this motion. See E.D. Mich. LR 7.1(e)(2).

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 7, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 7, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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